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ORDINANCE NO. 46-425

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2003-00066

Zone change from “SF-5” Single-family Residential to “LC” Limited Commercial on property described as:

Lot 1, Block A, New Life Christian Church Addition, Sedgwick County, Kansas, EXCEPT, that portion platted as Ellson Court Addition, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of the Central Avenue and Ellson Street intersection.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #136:

1. Signage shall be per Sign Code for the “NR” zoning district, except no building, wall or pole signs shall be allowed along the south, southwest and east property lines.
2. Parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc.), with light poles, including base, limited to 24 feet in height, and reduced to 14 feet within 150 feet of residential zoning. All lighting shall be behind a 20-foot setback along the south, southwest and east sides. Exterior lighting shall be shielded to prevent light disbursement in a northly or eastern direction.
3. Provide landscaping per the code. Landscaping shall be required prior to the issuance of any occupancy permit.

4. Ultimately solid screening shall be provided along the north side of the platted floodway and the southwest side of the site, where it abuts or is adjacent to residential zoning. The solid screening shall be a minimum of six (6) feet in height. If a portion of the site is developed and the current church use remains on the rest of the site, solid screening will be provided to screen that portion of the newly developed site from the adjacent residential zoning. The Planning Director will review screening.
5. Building walls and roofs must have predominately earth-tone colors, with vivid materials limited to incidental accent, and must employ materials similar to surrounding residential areas. Architectural articulated steel creating texture, shapes and shadows is permitted on the exterior walls within the context as stated in this condition.
6. Provide contingent dedication of 10-feet of utility - sidewalk easement along the Central Avenue frontage.
7. Provide shared access between all development on the site onto Central, with full movement on the existing west drive and restricting the existing east drive to right in – right out. No access onto Ellson Street.
8. All utilities installed underground.
9. Trash receptacles shall have solid screening to hide them from ground view.
10. Maximum building height of 35-feet.
11. Prohibited uses on the “LC” lot include; motion picture theaters, liquor stores, tavern and drinking establishments, night clubs, drive through restaurants, hotels-motels, marine facility, outdoor recreational, cemeteries, vocational schools, correctional placement residences, group homes, convenience stores, service stations, vehicle repair limited, car wash, construction sales and service, nurseries and garden centers, safety service, recycling collection station (public), reverse vending machine, outdoor storage and asphalt or concrete plant.
12. The Protective Overlay will not be in effect on that portion of the site that is currently being used by the church, until at such time redevelopment of that site is not a church.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and

said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, DECEMBER 21, 2004.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney